

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREGORY DANAHER,

Plaintiff,

vs.

FREDERICK J. HANA and ASSOCIATES, P.C.,

Defendant

Case No. 2:13-cv-01633-JCM-NJK

REPORT & RECOMMENDATION

Plaintiff Gregory Danaher is proceeding in this action *pro se*. Plaintiff filed a Complaint (Dkt. #1-1) on September 9, 2013. Because the court granted Plaintiff's request to proceed *in forma pauperis*, the court screened the Complaint pursuant to 28 U.S.C. § 1915(e). On September 24, 2013, the undersigned found that Plaintiff's Complaint failed to state a claim and allowed Plaintiff thirty days to file an amended complaint. Plaintiff has neither filed an amended complaint nor requested an extension of time nor taken any other action to prosecute this case. Plaintiff was warned that failure to comply with the screening order would result in a recommendation to the District Judge that this case be dismissed.

Accordingly,

IT IS THE RECOMMENDATION of the undersigned United States Magistrate Judge that the complaint be **DISMISSED**.

IT IS FURTHER RECOMMENDED that the Clerk of the Court enter judgment accordingly.

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NOTICE

Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days of service of this document.** The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

IT IS SO ORDERED.

Dated this 28th day of October, 2013.



NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE